

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-590-FDW
(3:94-cr-17-FDW-4)**

WILLIE LEE HARRIS,)
)
)
Petitioner,)
)
)
vs.) **ORDER**
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)
)

THIS MATTER is before the Court on Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. (Doc. No. 1.) Petitioner seeks relief under Johnson v. United States, 135 S. Ct. 2551 (2015).

On June 23, 2016, Petitioner signed a motion seeking authorization to file a second or successive § 2255 motion in federal district court and placed it in the prison mail system. In re: Willie Lee Harris, No. 16-9806 (4th Cir.), Doc. No. 2. It was docketed in the Fourth Circuit Court of Appeals on June 28, 2016. The Fourth Circuit granted Petitioner's motion on July 25, 2016, and transferred Petitioner's application for post-conviction relief to this Court. (Doc. No. 1-2.) It was docketed in this Court on August 1, 2016.

On November 17, 2015, the judges of this Court issued a Standing Order appointing the Federal Defenders of Western North Carolina to represent any defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine if that defendant is eligible for relief under Johnson. Standing Order in re: Johnson v. United States, No. 3:13-mc-00196-FDW (W.D.N.C. Nov. 17, 2015). Petitioner was previously

determined to be indigent. Petitioner appears to fall within the purview of this Court's Standing Order, the Court will allow the Federal Defender sixty (60) days to review the Petitioner's case and to file a supplement, if any, to the Petitioner's motion to vacate.

IT IS, THEREFORE, ORDERED that no later than sixty (60) days from entry of this Order, the Federal Defenders of Western North Carolina may file a supplement to Petitioner's motion to vacate.

IT IS FURTHER ORDERED that the Clerk of Court shall provide a copy of this Order to Petitioner and the Federal Defenders of Western North Carolina.

Signed: September 22, 2016



Frank D. Whitney
Chief United States District Judge

